

Michael John Stone Esq.
The Stone Law Group
20 Glenview Drive
Warren, New Jersey 07059
(908) 791-1110
Attorney for Defendant
Police Officer William C. Oels III

BASSEM KANDIL AND FLORA KANDIL,
his wife

Plaintiffs,

vs.

POLICE OFFICER GARY YURKOVIC,
POLICE OFFICER ANTHONY MARK
ABODE, POLICE OFFICER WILLIAM C.
OELS III, SERGEANT WILLIAM OELS,
CHIEF OF POLICE, CITY OF NEW
BRUNSWICK, CITY OF NEW
BRUNSWICK POLICE DEPARTMENT,
MIDDLESEX COUNTY PROSECUTORS
OFFICE, MIDDLESEX COUNTY
CORRECTIONAL FACILITY, JOHN DOE
SUPERVISING OFFICERS 1-10, JOHN
DOES 1-10, ABC CORPS 1-10
Defendants,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Case Number: 06-cv-4701 (JAG)

NOTICE OF MOTION
FOR SUMMARY JUDGMENT
ON BEHALF OF
POLICE OFFICER WILLIAM C. OELS III

PLEASE TAKE NOTICE that on October 19, 2009 or a date set by the court, the undersigned, attorney for defendant, Police Officer William C. Oels III, shall apply to the United States District Court for the District of New Jersey, Trenton, New Jersey, for an Order Dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III.

PLEASE TAKE FURTHER NOTICE that the defendant, Police Officer William C. Oels III, will rely on the attached Affidavit of Michael John Stone, Esq., Statement of Non-Necessity of Brief, and Certification of Service of Michael John Stone, Esq., submitted in support of the Motion for Summary Judgement on behalf of the defendant Police Officer

William C. Oels III, together with the Procedural History, Local Civil Rule 56:1 Statement of Undisputed Material Facts, Joint Brief, Exhibits and Affidavits and Certification submitted by William T. Connell, Esq., in support of the Motion for Summary Judgement on behalf of defendant Police Officer Gary Yurkovic.

PLEASE TAKE FURTHER NOTICE that oral argument is not requested on the within Motion.

A proposed form of Order is annexed hereto.

THE STONE LAW GROUP
Attorney for Defendant,
Police Officer William C. Oels III

/s/ Michael John Stone
MICHAEL JOHN STONE

Dated: August 31, 2009

Michael John Stone Esq.
The Stone Law Group
20 Glenview Drive
Warren, New Jersey 07059
(908) 791-1110
Attorney for Defendant
Police Officer William C. Oels III

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Defendants,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Case Number: 06-cv-4701 (JAG)

AFFIDAVIT OF
MICHAEL JOHN STONE ESQ.

I, MICHAEL JOHN STONE, do hereby certify as follows:

1. I am an attorney-at-law of the State of New Jersey, and the principle of The Stone Law Group, Attorney for the defendant, Police Officer William C. Oels III, in the above captioned matter, and I am fully familiar with this matter.

2. This Affidavit is made in support of the annexed Notice of Motion for Summary Judgment dismissing the Amended complaint, with Prejudice, as to defendant, Police Officer William C. Oels III.

3. The Defendants are filing a Joint Procedural History, Statement of Fact, Brief, Exhibits and Affidavits and Certification, which are being submitted by William T. Connell Esq. counsel for Defendant Police Officer Gary Yurkovic.

4. The defendant Police Officer William C. Oels III relies on the Joint Procedural History, Statement of Fact, Brief, Exhibits and Affidavit and Certification submitted.

5. Defendant, Police Officer William C. Oels III, relies on the Certification of William T. Connell, Esq., and the Exhibits attached to the Certification, which has been submitted to the Court with the Notice of Motion for Summary Judgement on behalf of defendant Police Officer Gary Yurkovic.

6. A Statement of Non-Necessity of Brief pursuant to F.R.C.P. 12 is submitted in support of this Motion.

7. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

THE STONE LAW GROUP
Attorney for Defendant,
Police Officer William C. Oels III

/s/Michael John Stone
MICHAEL JOHN STONE

Dated: August 31, 2009

Michael John Stone Esq.
The Stone Law Group
20 Glenview Drive
Warren, New Jersey 07059
(908) 791-1110
Attorney for Defendant
Police Officer William C. Oels III

BASSEM KANDIL AND FLORA KANDIL,
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CORRECTIONAL FACILITY, JOHN DOE
SUPERVISING OFFICERS 1-10, JOHN
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Defendants,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Case Number: 06-cv-4701 (JAG)

STATEMENT OF NON-NECESSITY
OF BRIEF ON BEHALF OF
POLICE OFFICER WILLIAM C. OELS III

I, Michael John Stone, Esq., represent the defendant, Police Officer William C. Oels III, and hereby certify in accordance with F.R.C.P. 12 that no brief is necessary in support of the defendant, Police Officer William C. Oels III's, Notice of Motion for Summary Judgment dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III.

The Stone Law Group
Attorney for Defendant,
Police Officer William C. Oels III
/s/ Michael John Stone
MICHAEL JOHN STONE

Dated: August 31, 2009

Michael John Stone Esq.
The Stone Law Group
20 Glenview Drive
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(908) 791-1110
Attorney for Defendant
Police Officer William C. Oels III

BASSEM KANDIL AND FLORA KANDIL,
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Plaintiffs,

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CORRECTIONAL FACILITY, JOHN DOE
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Defendants,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Case Number: 06-cv-4701 (JAG)

ORDER

This matter having been opened to the Court by Michael John Stone, Esq., Attorney for the Defendant, Police Officer William C. Oels III, in the above captioned matter, and the Court having considered the proofs submitted and for good cause having been shown;

IT IS ON THIS day of , 2009;

ORDERED that the Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, is granted, and it is further

ORDERED that a true copy of this Order shall be served upon all parties to this action within days of receipt hereof.

Michael John Stone Esq.
The Stone Law Group
20 Glenview Drive
Warren, New Jersey 07059
(908) 791-1110
Attorney for Defendant
Police Officer William C. Oels III

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CORRECTIONAL FACILITY, JOHN DOE
SUPERVISING OFFICERS 1-10, JOHN
DOES 1-10, ABC CORPS 1-10
Defendants,

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Case Number: 06-cv-4701 (JAG)

CERTIFICATION OF SERVICE

I, MICHAEL JOHN STONE, certify as follows:

1. On August 31, 2009 I electronically filed the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III.

2. On August 31, 2009 I forwarded one copy of the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, to the Honorable Joseph A. Greenaway U.S.D.J., United States District Court, Martin Luther King Jr. Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey 07102.

3. On August 31, 2009 I forwarded one copy of the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, to the Honorable Madeline Cox Arleo, U.S.M.J.,

United States District Court, Martin Luther King Jr. Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey 07102.

4. On August 31, 2009 I forwarded one copy of the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, to Robert D. Kobin, Nusbaum, Stein, Goldstein, Bronstein & Kron, 20 Commerce Boulevard, Succasunna, New Jersey 07876 .

5. On August 31, 2009 I forwarded one copy of the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, to Gary S. Spagnola, Esq., Golden, Rothschild, Spagnola, Lundell, Levitt and Boylan, 1011 Route 22 West, Suite 300, Box 6881, Bridgewater, New Jersey 08807.

6. On August 31, 2009 I forwarded one copy of the within Motion for Summary Judgement dismissing all Claims of Plaintiffs Amended Complaint, with prejudice, as to defendant, Police Officer William C. Oels III, to William T. Connell, Dwyer, Connell and Lisbona, 100 Passaic Avenue, Fairfield, New Jersey 07004.

7. On August 31, 2009 I forwarded one copy of the within Notice of Motion for Summary Judgment dismissing all Claims of Plaintiff, with prejudice, as to defendant, Police Officer William C. Oels III, was forwarded to Susan O'Connor, Esq., Hoagland, Longo, Moran, Dunst and Doukas, Esq., 40 Paterson Street, P.O.Box 480, New Brunswick, New Jersey 08903.

8. On August 31, 2009 I forwarded one copy of the within Notice of Motion for Summary Judgment dismissing all Claims of Plaintiff, with prejudice, as to defendant, Police Officer William C. Oels III, was forwarded to Lawrence Y. Bitterman, Esq., Benedict & Altman, 247 Livingston Avenue, New Brunswick, New Jersey 08901.

The Stone Law Group
Attorney for Defendant,
Police Officer William C. Oels III

By: /s/ Michael John Stone
MICHAEL JOHN STONE

Dated: August 31, 2009